

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
*for Hwy*  
FEB 03 2009  
JOHN F. CORCORAN, CLERK  
BY: *J. C. Cull*  
DEPUTY CLERK

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that Cupp's § 2255 motion is **DENIED** and this action is **STRICKEN** from the active docket of the court.

Cupp is advised that he may appeal the denial of his motion pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

**ENTER:** This February 2, 2009.

